

REMARKS

Claims 1, 3-15, 19 and 21 are now in the application.

The provisional rejection of claims 1-8, 10-15 and 17-20 under the judicially created doctrine of obviousness type double patenting as being unpatentable over the claims 1-21 copending US application 11/664,818 has been overcome by the filing of a Terminal Disclaimer. The filing of the Terminal Disclaimer is not to be construed as an admission, estoppel or acquiescence. See *Quad Environmental Technology v. Union Sanitary District*, 20 USPQ2d 1392 (Fed. Cir. 1991) and *Ortho Pharmaceuticals Corp. v. Smith*, 22 USPQ2d 1119 (Fed. Cir. 1992).

In view of the above and the prior response, consideration and allowance are, therefore, respectfully solicited.

In the event that the Examiner believes that an interview might serve to advance the prosecution of this application in any way, the undersigned attorney is available at the telephone number noted below.

Please charge any necessary fees or credit any overpayment to Deposit Account 22-0185, under Order No. 21581-00334-US1.

Respectfully submitted,

Dated: August 1, 2008

Electronic signature: /Burton A. Amernick/
Burton A. Amernick
Registration No.: 24,852
CONNOLLY BOVE LODGE & HUTZ LLP
1875 Eye Street, N.W., Suite 1100
Washington, DC 20006
(202) 331-7111 (Phone)
(202) 293-6229 (Fax)
Attorney for Applicant